In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.4253 of 2006.

Date of decision:16.1.2007.

Ranjit Kaur and another.

...Petitioners.

Versus

Smt. Joginder Kaur and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Sandeep Khunger Advocate for the petitioners.

Mr.Sumeet Goyal Advocate for respondent Nos.1 to 3.

...

Judgment.

S. N. Aggarwal, J.

Swaran Singh died in a motor vehicle accident on 4.7.2004. On this, Joginder Kaur respondent being widow, Rubel Singh being son and Ranjit Singh being the father of said Swaran Singh filed claim petition.

The petitioners filed an application under 1 Rule 10 PC for being impleaded as respondents in the said claim petition. It was pleaded by Ranjit Kaur, petitioner No.1 that she was also the widow of said Swaran Singh while Harshnoor Kaur petitioner No.2 was born out of wedlock of Ranjit Kaur, petitioner with said Swaran Singh.

The said application was contested by respondent Nos.1 to 3..

It was dismissed by the learned Tribunal vide impugned order

dated 9.3.2006.

Hence, the present petition.

The submission of learned counsel for the petitioners was that Ranjit Kaur, petitioner No.1 was the legally wedded wife of said Swaran Singh and the certificate of marriage was also filed along with the petition as Annexure P2. Harshnoor Kaur petitioner No.2 was born to petitioner No.1 from her wedlock with said Swaran Singh.

The submission of learned counsel for respondent Nos.1 to 3 was that petitioner No.1 was the alleged second wife of Swaran Singh and was not entitled to compensation.

However, it is not to be considered by this Court as to whether the petitioners are entitled to compensation or not beause of the sad demise of Swaran Singh in motor vehicle accident but the question to be decided in this petition is whether the petitioners can be impleaded as respondents in the claim petition filed by respondent Nos.1 to 3 for compensation for the said demise of Swaran Singh in the motor vehicle accident which took place on 4.7.2004. Since the petitioners being the widow and daughter of said Swaran Singh are class I heirs, therefore, they are necessary parties.

Accordingly, the impugned order dated 9.3.2006 passed by the learned Motor Accident Claims Tribunal, Ferozepur is set aside and the petitioners are ordered to be impleaded as respondents in the claim petition filed by respondent Nos.1 to 3. It would be for the learned Tribunal to decide about the entitlement of the parties to claim compensation.

Disposed of in the above terms.

January 16,2007. (S. N. Aggarwal)
Jaggi Judge